



TOTAL AIR FORCE OPERATIONS AND LAW COURSE



Mobilization & Deployment Prep

22 February 03

**BG Jack Clark
ANG Assistant to ACC/JA**

**BG(s) Don Quenneville
HQ MA ANG/CC**

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AirForceTimes

18 February 2003

www.airforcetimes.com

PROMOTIONS

THE OFFICER LIST
FOR FEBRUARY 43

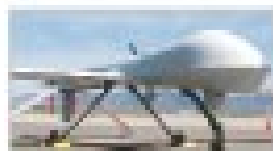


2004 budget Biggest slice for Air Force; 4% average pay hike 8

Frozen assets Gulf-bound troops open sperm-bank accounts 2

Spy case Former airman goes on trial for espionage 12

THE B-52 'FIGHTER'
LONGEST DEPLOYMENT
SINCE VIETNAM STRETCHES
BOMBER'S ROLE 14



THE TROUBLE WITH UAVs
WHY PREDATORS HAVE
30 TIMES MORE MISHAPS
THAN MANNED CRAFT 22



CATCHING A WAVE
THE BEST SURFERS
IN THE MILITARY 44



\$3.99
D

Ready, set, DEPLOY!

Special guide for troops & spouses
How to get your life in order in 7 days or less

- Bills
- Leases
- Taxes
- Wills
- Cars
- Children
- Pets & more

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Deployment Prep AF Times Style

- **On your mark, get set, deploy**
What you need to know before you go
- **The kids are all right - if you have a plan**
- **Where to go for help**
 - <http://www.defenselink.mil/mapsite/famlocat.html>
 - <http://www.aflo.org>
 - <http://www.afas.org>
 - <http://www.redcross.org>

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Deployment Prep AF Times Style

■ The big chill

Servicemen take measures to protect their genetic material

**By Valerie Alvord
*Special to the Times***

Terry Turner and Patrick Atwell are service members in their 30s who live on opposite sides of the country. Both someday intend to have children. Both are on their way to the Persian Gulf. And both banked their sperm before shipping out.

They are among at least 80 men who have hastily taken that action — often at the urging of wives and girlfriends — before deploying to the Middle East, according to laboratories specializing in sperm storage.

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READINESS

- **ARE YOU READY?**
- **IS YOUR OFFICE READY?**
- **ARE YOUR PEOPLE READY?**

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Review the Laws - Behave Yourself!

- **Uniform Code of Military Justice**
- **Law of Armed Conflict (LOAC)**
- **General Orders**
- **Standing Orders**
- **Rules of Engagement**
- **Host Nation Laws and Status of Forces Agreements**



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Having Your Affairs in Order Means:

- **Planning for death, injury, or extended deployment**
- **A will, trust or more complex documents**
- **Plan for Injury: Powers of Attorneys for medical and financial decisions**
- **Extended Deployment:**
 - **Childcare, parent care, other people care**
 - **Housing**
 - **Suspending any Pending Legal Matters**

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JAGs worry about LOAC And You Should Too!

- Limits the effects of conflict
- Protect combatants & noncombatants from unnecessary suffering
- Safeguards fundamental rights
- Prevents conflict from becoming worse
- Makes it easier to restore peace when conflict is over



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SOFA

(Status of Forces Agreement)



- Agreements between US and foreign governments may cover:
 - Criminal jurisdiction
 - Covers civilians with US forces

- What if we don't have SOFA:
 - Criminal jurisdiction solely with host nation

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GENERAL ORDER 1

- **This is a General Order:
Lack of knowledge is not
a defense!**
- **Punitive Order**
- **Often orders include
prohibitions that
recognize
the sensitivities of the
host
country**



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PROHIBITIONS

- **Alcohol**
- **Pornography**
- **Any image showing skin below the neck, above the knee or from shoulder inward**
- **Gambling**



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Things You Probably Shouldn't Have !!



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USERRA

- All employers must comply w/ USERRA
- Covers employees who leave to serve in military service
- Reemployment
- Promotion and Seniority
- Retention
- Healthcare and Pension Benefits
- Willful violation can result in double damages

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USERRA

Uniformed Services Employment
and Reemployment Rights Act

OR

***WILL MY CIVILIAN JOB BE HERE
WHEN I COME BACK?***

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USERRA

UNLIKE SOLDIERS AND
SAILOR'S RELIEF ACT - IT
APPLIES TO GUARD MEMBERS
IN A TITLE 32 STATUS

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PROBLEM AREAS

- **MUST GIVE NOTICE - SUGGEST WRITTEN NOTICE - BE COURTEOUS TO EMPLOYER**
- **IF SHIFT WORKER**
 - **EMPLOYER DOES NOT HAVE TO LET YOU MOVE YOUR SHIFTS AROUND BUT DOES HAVE TO LET YOU HAVE TIME OFF**

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EXCEPTIONS TO REEMPLOYMENT

- **UNDUE HARDSHIP (COST RELATIVE TO RESOURCES OF EMPLOYER ETC) TO EMPLOYER IF YOU ARE DISABLED OR NOT QUALIFIED OR QUALIFIABLE WITH REASONABLE EFFORT**
- **IF DIDN'T GET GENERAL OR BETTER DISCHARGE**
- **IF DON'T COMPLY WITH NOTICE PROVISIONS**

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***USERRA ALSO PROHIBITS
DISCRIMINATION AGAINST MEMBER
IF ATTEMPTING TO OBTAIN
EMPLOYMENT - IT ALSO PROHIBITS
DISCRIMINATION FOR
PROMOTIONS/ASSIGNMENTS/BENEFI
TS IN CIVILIAN JOB***





CLOSING YOUR CIVILIAN PRACTICE

- Plan ahead
- Select designated attorney
- Notify clients of potential deployment
- Contact Malpractice Carrier





Soldiers' and Sailors' Civil Relief Act (SSCRA)

50 USC 501-548, 5600593

- Applies when on active duty orders
- May provide some relief from
 - Loans
 - Leases
 - Lawsuits (may allow a stay or prevent default judgment)
 - Execution of judgments
 - Installment contracts
 - Foreclosure
 - Statute of Limitations

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SOLDIERS & SAILORS CIVIL RELIEF ACT

■ **SSCRA APPLIES TO:**

- Any service member serving on active duty, whether voluntary or involuntary (TITLE 10)
- Does NOT apply to AGRs/ technicians/tritionals (TITLE 32) or state active duty
 - **But STATE Law may offer help**

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SSCRA PROTECTIONS

**NOT AUTOMATIC: MEMBER MUST
TAKE AFFIRMATIVE ACTION**

- **Interest rate cap**
- **Lease**
- **Civil Litigation**
- **Life Insurance**
- **Foreclosure/Repossession**
- **Student loans**

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TAX ISSUES

- Combat Zone Tax Exclusion Benefits
 - active duty pay (w/ limits)
 - imminent danger/hostile fire pay
 - dislocation allowance
 - reenlistment bonus
- Write “COMBAT ZONE” on tax return

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EVERYDAY PLANNING

- **KNOW YOUR WING OPLANS**
- **COORDINATE KNOWLEDGE OF YOUR UTC WITH DP**
- **WORK WITH OPERATORS IN THEIR ENVIRONMENT - ASK QUESTIONS**
- **ENSURE PART OF BATTLE STAFF/CAT**
 - **ASK QUESTIONS**
- **EDUCATE TROOPS *BEFORE* THEY NEED TO DEPLOY**
- **ATTEND TRAINING COURSES - e.g. JAG FLAG**

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MUST HAVE BOOKS

- **ARMY OPERATIONAL LAW HANDBOOK - 2002**
(also download from www.jagcnet.army.mil -
ALSO HYPERLINKED)
- **AIR FORCE OPERATIONS AND LAW HANDBOOK**
- 2002 (produced by JAI) (also download from
publications section at www.afjai.hq.af.mil)
- **Get both of these if attend JAG school courses**
like OPS Law and RFJAC
- **Also accessible through FLITE - although still**
have to enter from .mil address

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OFFICE READINESS

- **MOBILITY KIT**
 - **HARD COPIES OF MATERIALS**
 - **SOFTWARE LIKE DSL WILLS**
 - **LAPTOP AND PRINTER AT MINIMUM**
 - **FAX**
 - **NOTARY STAMPS**
- **JAG IN A BOX AND OTHER JAS KITS**
- **ALL PERSONNEL COMPLY WITH PERSONAL READINESS**
- **CAN MAN A MOBILITY LINE**
- **KNOW EQUIPMENT FOR UTC - GET ON PALLET**

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JAS KITS

- **APPROXIMATELY 43 DEPLOYMENT KITS - SOME AT JAS AND OTHERS AT VARIOUS LOCATIONS LIKE MAJCOMS AND DEPLOYED LOCATIONS**
- **9 CRASH KITS**
- **10 RAPID RESPONSE KITS AT JAS**
- **CONTACT AEF CENTER TO VALIDATE REQUIREMENT FOR REAL WORLD DEPLOYMENT**
- **FOR DISASTERS/EMERGENCIES - AEF OR MAJCOM CAN VALIDATE AND CONTACT JAS**
- **ALSO CONTACT JAS**

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JAGS - Use the Webflite Stuff

Judge Advocate General's Department USAF - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Media Print Mail

Address <https://aflsa.jag.af.mil/cgi-bin/dwhome2.cgi> Go Links Norton AntiVirus

**The Judge Advocate General's Department
United States Air Force**

AFLSA/JAS

News Calendar Staff Sites TJAG Docs FLITE DocuShare JAMIS Roster Readiness Reports

MAIN LINKS

- The Judge Advocate General
- Deputy Judge Advocate General
- USAF General Counsel
- US Court of Appeals for the Armed Forces
- US Air Force Court of Criminal Appeals

TJAG Image of the Day

Congratulations to the Department's newest Lieutenant Colonel selects.

HOT NOTICES: All Categories [To Hot Notices](#)

- 07 Feb Court Reporter Needed at Misawa Japan 19 - 20 Feb 03
- 07 Feb Court Reporter Support Needed 4-7 March

ARC Deployment and Mobility

DoD Reference Materials

Operations Law Guide

Deployment Kits

Deployment Kits In Action

- * Air Mobility Command (AMC)
- * Air Force Reserve Command (AFRC)
- * Air National Guard (ANG)
- * Air Reserve Component (ARC)
- * Air Reserve Personnel Center (ARPC)
- * Pacific Air Forces (PACAF)
- * United States Air Forces Europe (USAFE)

OTHER LINKS

Contains commands for working with the selected items.

start 2 AOL Instant M... Inbox - Microsoft ... Judge Advocate ... Windows Task Ma... 10:17 AM

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EA F TERMINOLOGY

- **Unit Type Code (UTC):** A defined AF capability (e.g., XFFJ3 [1 JAG, 1 paralegal]) A shorthand way of packaging people and/or equipment in order to get the right forces to the fight at the right time.
- **Time-Phase Force and Deployment Data (TPFDD):** The data base portion of an operation plan (All Requirements)
- **Deployment Requirement Manning Document (DRMD):** The official personnel tasking document
- **Mission Capability Statement (MISCAP):** Specifies what the UTC must be able to perform at the FOL
- **Line Remarks:** Special requirements for individual positions reflected in the DRMD (e.g., TS-SCI clearance; gov't driver's license; min grade E-5 (Need to reduce))

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JOINT WORLD?

- **KNOW RANK STRUCTURE FOR OTHER BRANCHES**
- **KNOW THE “J SYSTEM”**
 - **J1- PERSONNEL/ADMIN**
 - **J2- INTELL**
 - **J3- OPS**
 - **J4- LOGISTICS**
 - **J5 - PLANS/POLICY**
 - **J6 - C4**
- **KNOW THE FUNCTIONAL AND COMBATANT COMMANDS**

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Wills, POA, Form 93, SGLI

Are they up to date?
Are they consistent?

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PAY AND ALLOWANCES

10 U.S.C. Sec. 2771; DD Form 93

creates a “simple method by which the military...can safely dispose of accrued funds of the deceased serviceman...”

- **Clark v. Stetson, 463 F. Supp. 1197 (1979) (payment to father despite valid will naming current spouse)**
- **Schultz v. United States, 230 Ct. Cl. 808 (1982) (payment to former spouse)**

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SGLI

- **Office of SGLI, Newark NJ**
 - **1-800-419-1473 x8817**
- **Increased Coverage - \$250K**
 - **UNLESS IN WRITING YOU DECLINED**
- **Designation of Beneficiaries**
 - **FORM CONTROLS**
- **Federal law controls unless silent**

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DESIGNATION OF BENEFICIARIES

- **Can say “by last will and testament”**
 - **Remember if will changes - make sure form is still correct**
 - **But have to be able to find will - remember later will usually revokes earlier will**
- **Can say “by law”**
 - **Spouse (even if separated)**
 - **Then children, or if child deceased, to his or her child (includes illegitimate if paternity proven)**
 - **Then parents (even if one parent never took care of you and comes out of woodwork - they receive half)**
 - **Then estate**

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POWERS OF ATTORNEY

- **GENERAL**
 - **DO ANYTHING YOU CAN DO**
 - **RISKIEST POA BUT MOST FLEXIBLE**
- **SPECIAL**
 - **FOR LIMITED PURPOSE *i.e.* childcare, finance, real estate**
- **SPRINGING**
 - **IN EVENT OF INCAPACITATION, OR**
 - **IN EVENT OF DEPLOYMENT**

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WILLS

- **IF NO WILL, GOES “BY STATE LAW”**
- **WILL IMPORTANT IF:**
 - **SMALL CHILDREN BECAUSE OF NEED FOR GUARDIANSHIP**
 - **TAX CONSEQUENCES**
 - **IF WANT TO CONTROL ACCESS TO YOUR PROPERTY (TRUSTS)**
 - **CHILDREN BY PRIOR RELATIONSHIP**

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A Brief History

- **RAM: taking care of your own**
 - **Good ol' boy approach**
 - **Ugly Americans even in America**
 - **Detrimental to good order and discipline**
- **Gulf War: poorly defined process for dealing with legal issues**
- **ANGRC/CC: Title 10 Commander of ANG troops**

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Total Force Evolution

- **Operationally: RC wanted to go to combat and in front line equipment**
- **Administratively: RC needed to be willing to follow the same rules**
- **Achieving these goals was a slow process
“one retirement at a time”**
- **Steps that helped**
 - **Development of this course**
 - **Gruber’s Mets vs. Yankees routine**

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Expeditionary Aerospace Force

- **Title 32 Wing CC sends EFS to theater with a Title 10 DETCO on G-series orders**
- **EFS/CC coordinates legal issues between OPCON Commander and ANGRC**
- **201st MSS/CC becomes ANG ADCON overseer**

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Partial Mobilization

- **Usually occurs just prior to overseas deploy**
 - **Once deployed: previous procedures appl**
- **What ifs:**
 - Pre-deployment issues?
 - PM at Home Station?

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Establishing a Title 10 Unit at Home

- **WG/CC appointed by Title 32 authority-
Must remain Title 32 to retain command**
- **Need a Title 10 DETCO in unit (201st MSS
cuts the order)**
- **WG/CC has OPCON**
- **DETCO has ADCON**
 - **Flyer vs. non-flyer**

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Establishing a Title 10 Unit at Home

- **Potential for a splintered organization**
 - **Title 10 vs. Title 32 rules (UTAs, etc)**
 - **Non-lawyers practicing law (S.H. lawyers)**
- **One mission focus**
- **One Boss--establish early and often**
- **When all else fails:**
 - **Remind them that the Wing CC will still be there after PM and will remember!**

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Establishing a Title 10 Unit at Home

- **Handling legal issues**
 - **Activate a lawyer**
 - **DETCO works with 201st MSS/CC**
 - **Process is slow and cumbersome**
 - **Charged individual may be present while awaiting adjudication**
- **Wing CC and DETCO must communicate**
 - **Judgment must be consistent with good order and discipline**

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ISSUES AND TIPS

- **JAGS need to ensure unit members understand the implications of being in a Title 10 status**
- **DEMOB - (when mission is over) the member can request to remain mobilized due to hardship (ex: financial/medical treatment of dependent) - jags may help members draft formal request**
- **Line of Duty - should not be taken off MPA orders or PM orders if determination is pending**
- **Disciplinary actions - until action is concluded or 201st determines action to be taken, member should not be taken off MPA orders or PM orders**

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Guard-Specific Rules THAT WILL NO LONGER APPLY

- **The “we only discharge them” rule on positive drug hits**
- **ANGUS members now undergo court-martial**

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NONJUDICIAL PUNISHMENT

- **201 MSS/CC**
 - **APPELLATE AUTHORITY: ANGRC/CC**
- **DETACHMENT COMMANDER**
 - **APPELLATE AUTHORITY: 201 MSS/CC**
 - **COORDINATION WITH 201 MSS/CC**
- **HOST WING COMMANDER**
 - **APPELLATE AUTHORITY: NAF COMMANDER**
 - **COORDINATION WITH 201 MSS/CC**
- **ANG COMMANDER: NO COMMAND AUTHORITY**
 - **201 MSS/CC CONSULTING WITH ANG COMMANDERS ON PROPOSED ACTIONS**

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COURTS-MARTIAL

- **201 MSS/CC PREFERS / COORDINATES CHARGES**
 - **MOVING TO LOCAL PREFERRALS WITH 201 MSS COORDINATION**
- **MEMBERS ATTACHED TO HOST WING**
 - **IF OFFENSE OCCURS ON AN ANG BASE, 201 MSS/CC ATTACHES MEMBER TO NEAREST ACTIVE DUTY WING**
- **SPCM CONVENING AUTHORITIES**
 - **11TH WING, BOLLING AFB, DC**
 - **89TH AIRLIFT WING, ANDREWS AFB, DC**
 - **HOST WING**
- **GCM CONVENING AUTHORITIES**
 - **11TH WING**
 - **NUMBERED AIR FORCE FOR HOST WING**

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ANG MJ PROJECTIONS (ONE and OEF)

- **COURTS-MARTIAL:
84**
- **ART 15 ACTIONS: 700**

■ (Based upon Active Duty USAF rates)

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STATUS OF DISCIPLINE

- **COURTS-MARTIAL (25)**
 - **10 PENDING**
 - **2 POS URINALYSIS, 3 ASSAULT, 2 LARCENY, 2 NEG. HOMICIDE, 1 CHILD PORNOGRAPHY,**
 - **15 ADJUDICATED**
 - **SRA: BCD, 10 MOS, RED E-1 (POS URINALYSIS “PLUS”)**
 - **SRA: 7 MOS, RED TO E-1 (POS URINALYSIS)**
 - **MSGT: 90 DAYS, RED TO E-1 (POS URINALYSIS)**
 - **SRA: RED TO E-1 (REPEATED AWOL)(SCM)**
 - **MSGT: RED TO E-1, 10 MOS., BCD (DRUG USE)**
 - **SRA: RED TO E-1, BCD (COCAINE USE)**
 - **TSGT: RED TO E-1, FORF. \$1,000 X 3MOS, 3 MOS. HARD LABOR W/O CONFINEMENT**
 - **A1C: RED TO E-1, 2 MOS., BCD (DISTRIBUTION OF ECSTASY)**

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STATUS OF DISCIPLINE

- MSGT: RED TO E-5, 3 MOS. (LARCENY OVER \$100)
- SRA: RED TO E-1, 12 MOS., BCD (AGG. ASSAULT)
- TSGT: OFFERED ART. 15 DUE TO EVIDENTIARY CONCERNS. RED TO E-5, ADMIN. SEPARATION
- SSGT: CHAPTER 4 DISCHARGE IN LIEU OF CM ACCEPTED BY GCMCA WITH UOTHC DISCHARGE (COCAINE)
- SSGT: RED TO E-3, \$500 FORF., 15 DAYS, 45 DAYS RESTRICTION (DUI, WRONGFUL APPROP. GOV, BREACH FLT. LINE SECURITY)
- SRA: RED TO E-1, 7 MOS., BCD (AWOL, COCAINE)
- SRA: RED TO E-1, BCD (DRUG USE)

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STATUS OF DISCIPLINE

- **ARTICLE 15 (75)**
 - **FAILURE TO GO, AWOL, DISORDERLY, FAILURE TO OBEY, DUI, PORNOGRAPHY, DERELICTION (ABUSE OF GOV'T TRAVEL CARD), SLEEPING ON DUTY, THC USE, ARTICLE 134 OFFENSE**
- **ADMINISTRATIVE ACTIONS (35)**
- **CIVILIAN CRIMINAL ACTIONS (4)**
 - **MANSLAUGHTER (Acquittal)**
 - **NON-SUPPORT**
 - **SMUGGLING (2)**





ANG MJ RATES

- **CM: Lower**
- **ART 15s: Much Lower**





Guard-Specific Rules THAT WILL NO LONGER APPLY

- **The “weasel” rule in the Unprofessional Relationships Instruction**
Commanders should “tailor application and enforcement to unique situations that may arise from part-time service” (AFI 36-2909, para 3.8)

THERE WON'T BE ANY “TAILORING” AT THE DEPLOYED LOCATION

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ANG telling ACC how to

